

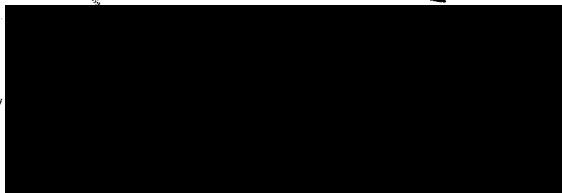
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

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APR 23 2004

FILE: [Redacted] Office: NEW YORK, NY

Date:

IN RE: Applicant: [Redacted]

APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act, 8 U.S.C. § 1431.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born in [REDACTED] on July 5, 1983. The applicant's father, [REDACTED] was born in [REDACTED] on July 10, 1954, and he became a naturalized U.S. citizen on July 17, 1996. The applicant's mother, Balogun Ibukun, was born in [REDACTED] on June 28, 1958. She is not a U.S. citizen. The record reflects that the applicant's parents did not marry. The applicant seeks a certificate of citizenship under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The district director concluded that the applicant failed to establish she resided in the United States pursuant to a lawful admission for permanent residence as required by section 320 of the Act. The application was denied accordingly.

On appeal, the applicant, through her father, asserts that she was admitted into the United States pursuant to a valid visa, and that she was inspected prior to her entry into the United States. The applicant indicates that she is therefore entitled to a certificate of U.S. citizenship.

Section 320(a) of the Act states that:

- (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:
 - (1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
 - (2) The child is under the age of eighteen years.
 - (3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

In the present matter, the applicant has established that her father became a naturalized U.S. citizen prior to her eighteenth birthday, when she was 13 years old. The AAO notes, however, that Citizenship and Immigration Service centralized computer databases contain no information to establish that the applicant has ever applied for, or obtained lawful permanent resident status in the United States. Moreover, the applicant submitted no evidence on appeal to establish that she entered the U.S. pursuant to a lawful admission for permanent residence, and the record itself contains no evidence to indicate that the applicant has obtained lawful permanent residence status in the United States, or that she resides in the U.S. pursuant to a lawful admission for permanent residence. Accordingly, the applicant has failed to establish that she acquired automatic U.S. citizenship pursuant to section 320 of the Act.

8 C.F.R. 341.2(c) states that the burden of proof shall be on the claimant to establish the claimed citizenship by a preponderance of the evidence. *See also* § 341 of the Act, 8 U.S.C. § 1452. The applicant has not met her burden, and the appeal will be dismissed.

ORDER: The appeal is dismissed.